

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

TOP NOTCH PRODUCTIONS, INC., *ET AL.*,

Plaintiffs,

v.

Case No. 05-72294

BANK ONE CO., *ET AL.*,

Honorable Arthur J. Tarnow

Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION [41]**

Before the Court is plaintiff Dwight Campbell's motion for reconsideration, filed on December 21, 2007.

The motion argues that plaintiff did indeed pursue a theory of recovery based on the defendant bank's unconstitutional failure to notify him of the impending escheat. In particular, plaintiff points to his February 24, 2006 reply in support of his motion for summary judgment, which stated that "[u]nder the 5th amendment, due process, the defendant was to provide notice of its plans to transfer the funds to the state."

Invoking the Fifth Amendment in that reply, or in the April 6, 2007 motion for court to disqualify itself, does not suffice. As this Court stated in its most recent order, the complaint was never amended to reflect such a basis for recovery. Campbell's complaint did not have a "short and plain statement of the claim showing that" plaintiff was entitled to relief on constitutional grounds. *See* Fed. R. Civ. P. 8(a)(1).

Accordingly, the Court DENIES the motion for reconsideration of its December 5, 2007 order.

SO ORDERED.

S/ARTHUR J. TARNOW

Arthur J. Tarnow

United States District Judge

Dated: January 15, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 15, 2008, by electronic and/or ordinary mail.

S/THERESA E. TAYLOR

Case Manager